

**UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**PATRICK HALEY and  
RANDAL REEP, on behalf of  
himself and all others similarly  
situated,**

**Plaintiffs,**

**v.**

**DELTA AIRLINES, INC.,**

**Defendant.**

**Civil Action No. 1:21-cv-01076-SEG**

**PLAINTIFF HALEY’S RESPONSE TO DEFENDANT DELTA AIR LINE’S  
NOTICE REGARDING DATA PRODUCTION**

In its Notice, Defendant Delta objected to a portion of Plaintiff Haley’s reply on his motion to compel requesting that Delta be required to produce certain data regarding Flight Attendants<sup>1</sup> and other employees by December 27, 2022. Dkt.

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<sup>1</sup> Delta produced the following categories of data for Pilots: (A) “Employee Number”; (B) “Leave Type”; (C) “Start Date” (of the period of leave); (D) “End Date” (of the period of leave); (E) “Compensation” (regarding whether the employee is covered by the FLSA or not); (F) “Hourly Rate”; (G) “Base”; (H) “Seniority Pay Date”; and (I) “Job Title.” Delta produced only the following categories of data for flight attendants on October 11, 2022: (A) “Employee Number”; (B) “Leave Type Code”; (C) “Start Date” (of the period of leave); and (D) “End Date” (of the period of leave). Delta has not produced the following

No. 89 at 1. Yet, Plaintiff’s motion explicitly requested that the very categories that Delta had promised to be produced for months be produced. Dkt. No. 76 ¶ 2. And Plaintiff’s initial brief addressed this issue. Dkt. No. 76-1 at 12-13. On November 25, 2022, Delta’s opposition suggested that it would finally produce this missing data for flight attendants and all the promised data for ground employees (for which no data has yet been produced) “within the next month.” Dkt. No. 78 at 7. As a result, Plaintiff’s reply requested that this data – which had been requested nearly 6 months ago and to which Delta did not object – be ordered to be produced by December 27, 2022 (more than 30 days after the date of Delta’s opposition). Dkt No. 86 at 1-2. Plaintiff’s counsel had repeatedly inquired about the date of the production of this data and it was subject to meet and confers.

For the first time, Delta’s notice now promises that all of this remaining data – to which it has asserted no objection – will be produced not by the end of the year, but instead merely “prior to the close of the discovery period – January 10, 2023.” Dkt. No. 89 at 3. Delta’s notice may create the impression that only a small amount of data remains to be produced. That is not the case. To date, Delta has

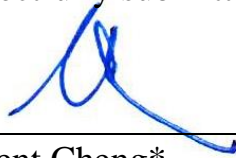
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categories of data for flight attendants that it produced for Pilots: (E) “Compensation” (regarding whether the employee is covered by the FLSA or not); (F) “Hourly Rate”; (G) “Base”; (H) “Seniority Pay Date”; and (I) “Job Title.”

produced NO data for any employees other than pilots or the handful of categories for flight attendants. In other words, no data has been produced for any ground employees or other employees (e.g. salaried and hourly workers). And Delta has produced only a handful of categories of data for flight attendants. Despite Plaintiff requesting this data at the beginning of the discovery period, Delta now only promises to produce it by the last day of the discovery period, thus leaving Plaintiff with no opportunity to engage in any fact discovery about this data and little time (less than a month) to review this data before Plaintiff's expert reports are due.

Dated: January 3, 2023

Respectfully submitted,



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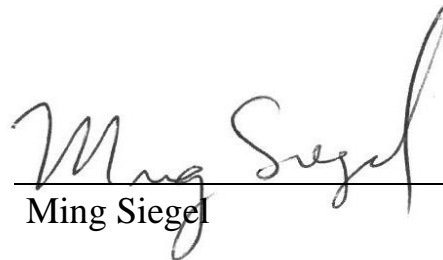
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the within and foregoing **PLAINTIFF HALEY'S RESPONSE TO DEFENDANT DELTA AIR LINE'S NOTICE REGARDING DATA PRODUCTION** is filed with the Clerk of Court using the CM/ECF system, which will automatically serve the following counsel of record:

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This 3rd day of January, 2023.

  
Ming Siegel